

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMAR BURTON,

Plaintiff,

Case No. 20-cv-12501
Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT
OF CORRECTIONS, *et al.*,

Defendants.

/

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF
REPORT AND RECOMMENDATION (ECF No. 142) AND
(2) GRANTING DEFENDANT RIVARD-BABISCH'S MOTION
FOR SUMMARY JUDGMENT (ECF No. 131)**

In this action, *pro se* Plaintiff Lamar Burton, a parolee under the Michigan Department of Corrections jurisdiction, alleges that the Defendants violated his federal and state constitutional rights. (*See* Compl., ECF No. 1.) Burton's claims arise out medical care that he received while he was in the custody of the Michigan Department of Corrections. (*See id.*)

On January 12, 2024, Defendant Caroline Rivard-Babisch moved for summary judgment. (*See* Mot., ECF No. 131.) The motion was referred to the assigned Magistrate Judge Elizabeth Stafford, and on April 2, 2024, the Magistrate Judge recommended that the Court grant the motion (the "R&R"). (*See* R&R, ECF No. 142.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they

wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.2812-2813.)

Burton has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Burton has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Rivard-Babisch’s motion is **ADOPTED**.

IT IS FURTHER ORDERED that Rivard-Babisch’s motion for summary judgment (ECF No. 131) is **GRANTED**. The claims against Rivard-Babisch are **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 15, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 15, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126